

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 1-8, 22-28, 30-35 and 40-41 without prejudice or disclaimer of the subject matter recited therein, AMEND claims 9, 11, 12, 19, 20, 21, 29, 36 and 38 and ADD new claims 42-49 in accordance with the following:

**Claims 1-8 (CANCELLED)**

9. (AMENDED) A drive comprising:  
a pickup that writes data on or reads data from a loaded information storage medium;  
and  
a controller that:  
controls the pickup to write first state information, which specifies that an update cycle of a temporary defect management structure (TDMS) of the information storage medium update cycle is open, in an area of the information storage medium, the when updating of a TDMS containing information regarding temporary defect management ~~begins;~~ and  
~~controls the pickup to update the TDMS when data is written to or read from the information storage medium; and~~  
controls the pickup to write second state information, which specifies that the TDMS update cycle is closed, in the area when ~~the updating of the TDMS is completed.~~

10. (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the first state information in the area, in response to a command to open the TDMS update cycle.

11. (AMENDED) The drive of claim 9, wherein the controller controls the pickup to write the first state information in the predetermined area in response to a command to write ~~the data~~ on or to read ~~the data~~ from the information storage medium.

12. (AMENDED) The drive of claim 9, wherein ~~the controller controls the pickup to~~

~~write the first state information in the area based on an updated TDMS when the TDMS is updated during the writing of the data to or the reading of the data from the information storage medium~~ TDMS is updated to manage a defect when data is one of written to and read from the information storage medium.

13. (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the second state information in the area in response to a command to eject the information storage medium.

14. (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the second state information in the area in response to a command to close the TDMS update cycle.

15. (ORIGINAL) The drive of claim 9, wherein the controller writes the first or second state information to be included in the TDMS during the updating of the TDMS.

16. (ORIGINAL) The drive of claim 9, wherein the TDMS contains a temporary defect management information (TDDS) and a temporary defect list (TDFL), and wherein the controller writes the first or the second state information to be included in the TDDS.

17. (ORIGINAL) The drive of claim 9, wherein the area is a temporary defect management area (TDMA) in which the TDMS is written.

18. (ORIGINAL) An information storage medium that includes a lead-in area, a user data area, and a lead-out area, on which a temporary defect management structure (TDMS) containing information regarding temporary defect management and update cycle state information regarding the TDMS are written, the update cycle state information specifying whether update cycle of the TDMS is open or closed.

19. (AMENDED) The information storage medium of claim 18, wherein the ~~TDMS~~ update cycle state information is contained in the TDMS.

20. (AMENDED) The information storage medium of claim 19, wherein the TDMS contains temporary defect management information (TDDS) and a temporary defect list (TDFL), and the ~~TDMS~~ update cycle state information is contained in the TDDS.

21. (AMENDED) The information storage medium of claim 18, wherein at least one temporary defect management area (TDMA) is formed in at least one of the lead-in area, the user data area, and the lead-out area, and

wherein the TDMS and the ~~TDMS~~-update cycle state information are written in the TDMA.

Claims 22-28 (CANCELLED)

29. (AMENDED) A drive comprising:  
a pickup that writes data to or reads data from ~~a loaded~~an information storage medium;  
and

a controller that:

controls the pickup to write first state information, which specifies that an update cycle of information for defect management is open, in an area of the information storage medium ~~when updating of the information begins during the writing of the data to or the reading of the data from the information storage medium;~~ and

~~controls the pickup to update the predetermined data, which is generated when data is one of written to and reading data from the information storage medium, by writing the information on the information storage medium; and~~

controls the pickup to write second state information, which specifies that the update cycle of the information is closed, in the area ~~when the updating of the information is completed,~~ wherein the information is updated to manage a defect when data is one of written to and read from the information storage medium.

30-35. (CANCELLED)

36. (AMENDED) An information storage medium comprising:  
information for defect management related to and generated during one of writing of data and reading of written data with respect to the information storage medium; and  
update cycle state information that specifies whether an update cycle of the information is open or closed, and is written based on whether updating of the information is completed.

37. (ORIGINAL) The information storage medium of claim 36, wherein the update cycle state information is contained in the information and written during updating of the information.

38. (AMENDED) The information storage medium of claim 36, wherein the update cycle state information specifies that the update cycle of the information is information regarding defect management that is created during the writing of the data to or the reading of the data from the information storage medium closed when updating of the information is successfully completed.

39. (ORIGINAL) The information storage medium of claim 36, wherein the information storage medium is a write once information storage medium or a rewritable information storage medium.

CLAIMS 40-41 (CANCELLED)

42. (NEW) A drive comprising:  
a pickup that writes data on or reads data from a loaded information storage medium;  
and  
a controller that controls the pickup to read state information that specifies whether an update cycle of a temporary defect management structure (TDMS) of the information storage medium is open or closed, the TDMS containing information regarding temporary defect management, wherein the drive determines that the TDMS is up-to-date where the update cycle of the TDMS is closed and that the TDMS is not up-to-date where the update cycle of the TDMS is open.

43. (NEW) The drive of claim 42, wherein the controller controls the pickup to read lastly recorded state information of the TDMS.

44. (NEW) The drive of claim 42, wherein the TDMS is updated to manage a defect when data is one of written to and read from the information storage medium.

45. (NEW) A drive comprising:  
a pickup that writes data on or reads data from an information storage medium comprising a temporary defect management area; and  
a controller that controls the pickup to read a flag in the temporary defect management area that specifies whether an update cycle of a temporary defect management structure of the temporary defect management area is open or closed, the temporary defect management structure containing information regarding temporary defect management, wherein the drive

determines that the temporary defect management structure is up-to-date where the update cycle is closed and that the temporary defect management structure is not up-to-date where the update cycle is open.

46. (NEW) The drive of claim 45, wherein the controller controls the pickup to read a lastly recorded flag of the temporary defect management structure.

47. (NEW) The drive of claim 45, wherein the temporary defect management structure is updated to manage a defect when data is one of written to and read from the information storage medium.

48. (NEW) A drive comprising:  
a pickup that writes data to or reads data from an information storage medium; and  
a controller that controls the pickup to read state information that specifies whether an update cycle of information for defect management is open or closed, from an area of the information storage medium, wherein:  
the drive determines that the information is up-to-date where the update cycle is closed and that the information is not up-to-date where the update cycle is open, and  
the information is updated to manage a defect when data is one of written to and read from the information storage medium.

49. (NEW) The drive of claim 48, wherein the controller controls the pickup to read lastly recorded state information of the information for defect management.